

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-108667-001 DT

05/01/2012

HONORABLE JEANNE GARCIA

CLERK OF THE COURT
M. Hovorka
Deputy

STATE OF ARIZONA

REBECCA NICOLE KENNELLY

v.

ROBERT JAMES MILLER (001)
DOB: 10/13/1978

DAWNESE CHARLOTTE AGNICK

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

10:00 a.m.

Courtroom 804 - Central Court Building

State's Attorney:	Jeffrey Beaver on behalf of Rebecca Nicole Kennelly
Defendant's Attorney:	Dawnese Charlotte Agnick
Defendant:	Present
Court Reporter:	Nicole Sesta

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (as amended) Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs

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Class 6 Undesignated Felony
A.R.S. § 28-1381(A)(1), 28-1381, 28-1383(A)(3), 28-3001, 28-3304, 28-3305, 28-3315,
13-701, 13-707, 13-702, and 13-801
Date of Offense: February 14, 2010
Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: 3 years

To begin May 1, 2012.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning June 1, 2012.

FINE: Count 1 - Total amount of \$1,380.00, which includes surcharges of 84%, payable \$10.00 per month beginning June 1, 2012.

DUI ABATEMENT FUND: Count 1 - \$250.00, payable \$10.00 per month, beginning June 1, 2012.

PRISON CONSTRUCTION & OPERATIONS FUND: Count 1 - \$1,500.00, payable \$10.00 per month, beginning June 1, 2012.

Count 1: \$1,500.00 payable \$10.00 per month to the Public Safety Equipment Fund pursuant to A.R.S. § 41-1723 beginning June 1, 2012.

PROBATION SURCHARGE: Count 1 - \$20.00 payable on June 1, 2012.

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Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00, payable on June 1, 2012.

All amounts payable through the Clerk of the Superior Court.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 18 - Count 1: Be incarcerated in the county jail for 10 day(s) with credit for 1 day(s) served. **Defendant's 9 days of incarceration is suspended for treatment.**

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Condition 22: Other – Defendant's 9 days of jail incarceration is suspended for treatment.

IT IS ORDERED granting the Motion To Dismiss the following: Count 2.

The presentence investigation report is filed under CR2010-006395-001.

10:35 a.m. Matter concludes.

LATER:

IT IS ORDERED that probation in Count 1 shall run concurrent with probation in CR2010-006395-001.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine
their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JEANNE GARCIA
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)